

Federal Communications Commission

DA 98-1200

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 98-40
Table of Allotments,) RM-9240
FM Broadcast Stations.)
(Gurdon, Arkansas))

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REPORT AND ORDER
(Proceeding Terminated)

Adopted: June 17, 1998

Released: June 26, 1998

By the Chief, Allocations Branch:

1. The Commission considers herein the *Notice of Proposed Rule Making* ("Notice"), 13 FCC Rcd 6419 (1998), issued in response to a petition filed on behalf of PGR Communications, Inc. ("petitioner"), licensee of Station KYXK(FM), Channel 224A, Gurdon, Arkansas. The *Notice* proposed the substitution of Channel 295A for Channel 224A at Gurdon, and modification of the license for Station KYXK(FM), as requested. Petitioner filed supporting comments in response to the *Notice*. No other comments were received.

2. As indicated in the *Notice*, petitioner's proposal is premised on its desire to increase the effective radiated power of Station KYXK(FM) to full Class A facilities, a benefit from which it is presently precluded due to minimum distance separation constraints.¹ Petitioner advises that the substitution of channels at Gurdon will enable it to achieve its goal to improve the facilities of Station KYXK(FM), and expand its coverage area to 26,204 persons within an area of approximately 2,506 square kilometers, representing an increase of 8,553 persons and an area gain of approximately 822 square kilometers.

3. In light of the above, we believe the public interest would be served by substituting Channel 295A for Channel 224A at Gurdon, Arkansas, since it would provide an expanded coverage FM service to the community. Therefore, we will grant the petitioner's modification request.

¹As stated in the *Notice*, Channel 224A was allotted to Gurdon under the former § 73.207(b) minimum distance separation requirements at which time Class A facilities were limited to 3.0 kilowatts. Pursuant to the present provisions of § 73.207(b), petitioner's licensed site is shortspaced to Station KTKC(FM), Channel 224A, Springhill, Louisiana, at coordinates 33-00-28 and 93-28-43. While Station KTKC(FM) has been issued a construction permit to operate on Channel 225C2 at Springhill at coordinates 33-00-30 and 93-28-38 (File No. BMPH-970717IC) which would remove the spacing conflict upon grant of a license, Station KTKC(FM) remains authorized on Channel 224A at Springhill and therefore prevents Station KYXK(FM) from achieving operation with 6.0 kilowatts on Channel 224A at Gurdon.

4. As stated in the *Notice*, Channel 295A can be allotted to Gurdon consistent with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, utilizing the petitioner's suggested site located 4.9 kilometers (3 miles) northwest of the community at coordinates 33-56-59 and 93-11-08.²

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective August 10, 1998, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to Gurdon, Arkansas, as follows:

<u>City</u>	<u>Channel No.</u>
Gurdon, Arkansas	295A

6. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of PGR Communications, Inc. for Station KYXK(FM), Gurdon, Arkansas, (File No. BLH-850103KP), IS MODIFIED to specify operation on Channel 295A in lieu of its present operation on Channel 224A, subject to the following conditions:

- (a) Nothing contained herein shall be construed as authorizing any change in Station KYXK(FM)'s license (File No. BLH-850103KP), except the channel as specified above. Any other changes, except those so specified under Section 73.1690 of the Rules, require prior authorization pursuant to an application for a construction permit (FCC Form 301).
- (b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with Station KYXK(FM)'s authorization, except for the channel as specified above, and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

²As stated in the *Notice*, the site restriction is required to avoid a short spacing to the licensed site of Station KKOL-FM, Channel 296A, Hampton, Arkansas, at coordinates 33-32-23 and 92-34-59. While Station KKOL-FM has been modified to specify operation on Channel 293C3 at Hampton at coordinates 33-35-00 and 92-16-00, it remains licensed on Channel 296A. See 5 FCC Rcd 5884 (1990).

8. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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